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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,074

07/07/2003

Ronald R. Bartman

1005 - U.S.

6371

7590
James G. Staples
586 Ingleside Park
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12/12/2007

EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/614,074

Applicant(s)

BARTMAN ET AL.

Examiner

Gay Ann Spahn

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 17 July 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 1(c) Other: Applicants appear to be amending the specification by replacement pages which fails to comply with any one of 37 C.F.R. 1.121(b)(1), (2), and (3) which allows amendment of the specification by replacement paragraph, replacement section or substitute specification, respectively. Therefore, in response to this Notice of Non-Compliant Amendment and in order to comply with 37 C.F.R. 1.121(b), Applicants should file a complete "Amendment to the Specification" section wherein Applicants give: (1) an unambiguous instruction to replace paragraph no. [15] beginning at page 4, line 8, and then give the entire text of only paragraph no. [15] with underlining to show those words that are being added and striking-through any words being deleted (except that deletion of five or fewer consecutive characters may be done by double-bracketing); (2) an unambiguous instruction to replace paragraph no. [21] beginning at page 6, line 13, and then give the entire text of only paragraph no. [21] with underlining to show those words that were added and striking-through any words being deleted (except that deletion of five or fewer consecutive characters may be done by double-bracketing); and (3) an unambiguous instruction to replace paragraph no. [27] beginning at page 8, line 14, and then give the entire text of only paragraph no. [27] with underlining to show those words that were added and striking-through any words being deleted (except that deletion of five or fewer consecutive characters may be done by double-bracketing). Applicants should not show the text of any paragraphs not being amended, should not include an entire page when only a single paragraph on that page is being amended, and should not stop in the middle of a paragraph as was done in the "Amendment" filed on 17 July 2007.

Continuation of 4(e) Other: With respect to Box 4(C) above, the examiner notes that claims 15 and 23 do not have the correct status identifier as these claims appear to have been withdrawn from consideration by previous examiners. Further, it appears that Applicant is changing the dependency of claim 18 to withdrawn claim 23 and this would also make claim 18 a withdrawn claim. If Applicant desires to amend a withdrawn claim, the status identifier should be "(Withdrawn-currently amended)" as listed above.

The present examiner notes that she intends to revisit the issue of whether Examiner Horton properly withdrew claim 23 and may vacate Examiner Horton's withdrawal of that claim in her next action if she finds Examiner Horton's withdrawal of that claim to be improper as argued by Applicants. However, at present, claim 23 is withdrawn and should be labeled as such in any "Amendment" paper.

Gay Ann Spahn

Gay Ann Spahn, Patent Examiner
December 8, 2007